

REMARKS

This response is being filed responsive to the Office Action mailed April, 2006. In that Office Action, paragraph [0005] was objected to, claim 4 was rejected as being indefinite, and claims 1-7 were rejected on prior art grounds. Claims 8-14 have been added. Accordingly, claims 1-14 are pending in the application.

Specification

In the specification, paragraph [0005] has been deleted to address the Examiner's objection to the reference to claim 1 that was contained in the summary section.

Claim Rejections

Claim 4 stands rejected under 35 U.S.C. §112 as having an improper antecedent basis for a limitation in the claim. Claims 1, 3, 5, and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hellaker (US 2002/0197988 A1). Claims 2, 4, and 6 stand rejected under 35 U.S.C. §103(a) as unpatentable over Hellaker in view of Fuchs et al. (US 6,970,703). The rejections are respectfully traversed for the reasons discussed below.

35 U.S.C. §112

Claim 4 has been amended to correct a typographical error and eliminate the improper antecedent basis. Withdrawal of the § 112 rejection is therefore requested.

35 U.S.C. §102(b)

Hellaker discloses a communication system for communication between a central station and a remote mobile object or a remote stationary object. The central station and the remote object communication through a cellular network and/or a satellite network. The remote object communicates uses a cellular phone module and a satellite communication module to communicate with the central station. The remote object communicates in two modes: a private subscription for private usage or manual requests for assistance; and a service subscription for connection to the customer service center to

obtain services from the customer service center. The service subscription is given a first priority and the private subscription is given a minor priority. As such, whenever the service subscription is activated, the private subscription is interrupted until the service subscription is completed. The service subscription may be activated by a key press of an operator, an accident indicated by a sensor, or a theft alarm.

Applicant's independent claims 1, 5, and 7 variously recite monitoring parameters for personal communications made through a telematics unit in a vehicle. Claim 1 further specifies that determining a communication requirement for communicating between the telematics unit and a remote facility such as a call center or somewhere else. A communication is scheduled and executed based on the monitored parameters and, within the scope of claim 1, also based on the communication requirement. There is no teaching or suggestion of these claimed elements from the Hellaker published application.

First, Hellaker is missing elements of Applicant's claims 1, 5, and 7. For example, Hellaker fails to disclose or suggest monitoring parameters for personal communications. Hellaker discloses obtaining the actual position of the remote object using GPS, but does not teach that the actual position is in any way related to personal communications made through the remote object. Moreover, Hellaker teaches that data passed from the remote object to the customer service center is passed through the subscription service (see pars. 0025 and 0031). The subscription service interrupts any personal communication when activated (see par. 0043). Therefore, the actual position is not, as taught in Hellaker, a monitored parameter for personal communications. No other such parameters are monitored by the system of Hellaker.

Moreover, Hellaker does not schedule and execute an outbound call or other communication responsive to the monitored parameters. As previously explained, Hellaker does not monitor parameters for personal communication. Even if Hellaker did disclose such monitoring of parameters, Hellaker does not disclose scheduling a communication based on or responsive to the monitored parameters. Instead, Hellaker merely enters the subscription mode immediately upon detecting a need for a service

from the customer service center. Moreover, the system does not respond to a monitored parameter of the private subscription to enter the subscription mode. Therefore, Hellaker does not disclose scheduling and executing a communication responsive to monitored parameters of a personal communication.

Claim 1 also recites the use of a communication requirement for communicating between the telematics unit and a remote facility such as a call center or otherwise. The claim then specifies that the telematics unit call is scheduled using both the monitored parameters and the call requirement. Hellaker also does not disclose scheduling of a communication, much less scheduling one based on either of these features. Rather, Hellaker merely discloses using priority to interrupt personal communication whenever the subscription service is activated. Priority and scheduling are not the same and Applicants respectfully disagrees with the statement in the Office Action that priority is a function of scheduling. Scheduling can be done with or without the use of priority, and using priority to interrupt or let continue a call does not involve scheduling. Thus, Hellaker does not disclose or suggest scheduling of a communication, much less scheduling either on the basis of monitored parameters or call requirements, or both.

Accordingly, Applicants respectfully submit that the rejection of claims 1, 5, and 7, as well as dependent claim 3 should be withdrawn and the claims allowed.

35 U.S.C. §103(a)

Fuchs et al. discloses a personal communications system having a telematics device and a remote device with a service requesting entity. The system allows the user to limit access to the telematics device, remote device, functions in the vehicle, or protocols permitted to access the telematics device. Fuchs et al. does not disclose scheduling or the other features of the independent claims noted above and therefore does not make up for the deficiency of Hellaker. Accordingly, claims 2, 4, and 6 are patentable based on their dependency from the base independent claims.

Dependent claims 2, 4, and 6 each recite a step of creating a profile of the monitored parameters. The claims further recite the step of the scheduling and executing

being responsive to the profile. There is no teaching of these claimed elements from Hellaker and Fuchs et al.

Hellaker and Fuchs et al. do not disclose creating a profile of the monitored parameters of personal communication. As explained above, Hellaker does not disclose monitoring parameters of personal communication. Although Fuchs et al. teaches creating a user profile, it is not a profile of the *monitored parameters* of personal communication. Rather, Fuchs et al. teaches the user creating their own profile and does not disclose using monitored parameters to create it. Furthermore, all of the examples provided in Fuchs et al. relate to using the user profile for purposes of authentication, or to limit access (of the user, remote device) to the telematics unit, the remote device, or communication protocols used. Nothing in Fuchs et al. suggests that the user profile contain any information related to monitored parameters of personal communication. Therefore, Fuchs et al. does not teach creating a profile of monitored parameters of personal communication.

Furthermore, neither Hellaker nor Fuchs et al. teach scheduling and executing a determined communication responsive to the profile of the monitored parameters. Again, Hellaker does not teach creating a profile or scheduling a determined communication responsive to a profile of monitored parameters. Fuchs et al. teaches the user profile for use only in relation to authentication and to restrict access to devices or protocols. Fuchs et al. does not teach using the user profile to schedule a communication. Therefore, because the cited references do not teach or suggest each and every claimed element, reconsideration and withdrawal of the § 103 rejection of claims 2, 4, and 6 is respectfully requested.

New Claims

Claims 8-14 each ultimately depend from either claim 1 or 5 and should be allowed therewith. In addition, many if not all of these claims contain additional limitations not disclosed or rendered obvious by either Hellaker or Fuchs.

Conclusion

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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JDS/GGB

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